

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
19 OSP 01028

Judith Knechteges, Petitioner, v. North Carolina Department of Public Safety, Respondent.	ORDER ON PETITIONER'S MOTION TO STRIKE AND RESPONDENT'S MOTION FOR SUMMARY JUDGMENT
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Upon consideration of Petitioner's Motion to Strike Affidavit of Reuben Young, Respondent's Response to Motion to Strike Affidavit of Reuben Young, and Petitioner's Reply to Response to Motion to Strike Affidavit of Reuben Young, and for a lack of good cause shown, the undersigned **DENIES** the motion.

Upon consideration of Respondent's Motion for Summary Judgment and Petitioner's Memorandum of Law in Opposition to Motion, and Respondent's Reply to Petitioner's Response to Respondent's Motion for Summary Judgment, the undersigned **ORDERS** as follows:

(1) **GRANTS** summary judgment in favor of Respondent as to Petitioner's claim that Petitioner is not entitled to promotional priority consideration because the CEO position for which Petitioner applied was an exempt managerial position and, as a result, N.C. Gen. Stat. § 126-7.1(e) does not apply to that position.

(2) **DENIES** summary judgment against Respondent as to Respondent's claim that Petitioner failed to establish a whistleblower retaliation claim.

Therefore, based on the foregoing, the only remaining issue that will proceed to hearing in this matter is Petitioner's whistleblower retaliation claim.

This the 11th day of September, 2019.



Melissa Owens Lassiter
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

Michael C Byrne
Self Employed
michael@mbyrnelawnc.com
Attorney For Petitioner

Corrine Lenore Lusic
North Carolina Department of Justice
clusic@ncdoj.gov
Attorney For Respondent

This the 11th day of September, 2019.



Jerrod Godwin
Administrative Law Judge Assistant
Office of Administrative Hearings
6714 Mail Service Center
Raleigh NC 27699-6700
Telephone: 919-431-3000